

ARTICLE XVI

Village Board Special Permits

1. Statutory authorization.

A. Pursuant to the provisions of the Municipal Home Rule Law, the Village Board reserves the approval authority for special permits for uses identified as such in Column D of Article III, Section 2, Use Table. Such uses represent such diverse benefits and impacts on local land uses as to preclude specific descriptions and standards for their approval. The Village Board, in considering any application for a special permit hereunder, shall exercise such discretion reserved for legislative matters so as to ensure that the public health, welfare and safety are protected and the environmental and land resources of the Village are most efficiently utilized.

B. Applications for special permits pursuant to this section shall be upon forms prescribed by the Village Board and shall contain the information required in the rules and regulations adopted pursuant to this local law.

C. Fees for special permit applications and for appeals

before the Village Board shall be in accordance with the Standard Schedule of Fees for the Village of Chestnut Ridge.

2. Application procedure.

A. An applicant for a special permit shall, simultaneously with the filing of any application with the Village Board, file an application for site development plan approval with the Planning Board, together with appropriate plans, drawings and fee for site development plan review. Thereafter, and before the Village Board shall give any consideration to or review the application for such special permit, the Planning Board shall review the application for the purpose of preliminary site development plan review and in light of the general considerations herein and specific standards herein for special permits. Thereafter, the Planning Board shall transmit its recommendations to the Village Board within a reasonable time.

B. The Village Board, upon receipt of the report by the Planning Board, shall, within forty-five (45) days, conduct a public hearing as set forth in Article XVII, Section 3 and within forty-five (45) days thereafter render its decision, unless the applicant waives the

time requirements of this section.

- C. The Village Board, in approving any special permit hereunder, shall require conformance with any supplementary requirements applying to such uses generally and may establish such other conditions or limitations upon the use, or characteristics of the use, which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this local law. The decision of the Village Board shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. Thereafter, the applicant will proceed with site development plan approval before the Planning Board.

- D. Unless specifically authorized in the decision of the Village Board, no requirement or conditions of such special permit shall be subject to appeal before the Board of Appeals.

- E. Requirements or conditions imposed by this local law for any special permit use shall not be waived or reduced by the Village Board and shall be considered to be the minimum requirements for any authorization

hereunder, except that the Village Board may authorize further application and action by the Board of Appeals.

Special permits shall be deemed to be indefinite authorization unless otherwise specified in the approval thereof but, in any case, shall expire within eighteen (18) months of the date of approval unless a building permit has been issued for the special permit use. Such period may be extended on separate application to the Village Board.

- F. The grant of special permits for the uses indicated may be conditioned on periodic renewal, which renewal may be granted following application, public notice and hearing and may be withheld upon determination that conditions, as may have been identified in the original grant requiring that the use be of temporary duration, now necessitate cessation of such use or imposition of additional or supplemental safeguards or conditions, or that the original conditions as may have been prescribed for such special permit have not been or are not being complied with, wholly or in part. Notices of violation pursuant to Article XX shall be a prima facie evidence of lack of conformity with such standards or conditions.

3. Appeals from Village Board determinations.

Any person aggrieved by any decision of the Village Board hereunder may, within thirty (30) days of the filing of the decision, in the office of the Village Clerk, appeal pursuant to Article 78 of the Civil Practice Law and Rules.